

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

THEODORE PILISZEK, M.D.,
Plaintiff,

v.

CHUBB LLOYDS INSURANCE
COMPANY OF TEXAS,
Defendant.

CIVIL ACTION NO. 4:19-cv-3090

**DEFENDANT CHUBB LLOYDS INSURANCE COMPANY OF TEXAS'S
NOTICE OF REMOVAL**

Defendant Chubb Lloyds Insurance Company of Texas ("Chubb") files this Notice of Removal pursuant to 28 U.S.C. § 1446(a).

**I.
BACKGROUND**

1. On July 19, 2019, Theodore Piliszek, M.D. ("Plaintiff") filed a lawsuit against Chubb, Cause No. 2019-49396; *Theodore Piliszek, M.D. v. Chubb Lloyds Insurance Company of Texas*, pending in the 133rd Judicial District Court of Harris County, Texas. A certified copy of Plaintiff's Original Petition is attached as Exhibit 1. Chubb was served with the Original Petition on July 29, 2019.

2. Chubb timely filed this notice of removal within the 30-day period required by 28 U.S.C. § 1446(b).

**II.
BASIS FOR REMOVAL**

3. Removal is proper based on diversity of citizenship. 28 U.S.C. § 1332(a). In particular:

- a. Plaintiff is a citizen of Texas.

b. Chubb is an unincorporated association. Therefore, its citizenship for purposes of diversity jurisdiction is determined solely by the citizenship of each of its members. *See Royal Ins. Co. v. Quinn-L Capital Corp.*, 3 F.3d 877, 882–883 (5th Cir. 1993), *cert. denied*, 522 U.S. 815 (1997). Eight of the eleven members of Chubb are now, and were at the time this action was commenced, citizens of the state of New Jersey. Two of the members are now, and were at the time this action was commenced, citizens of the state of New York. The final member of Chubb is now, and was at the time this action was commenced, a citizen of the commonwealth of Pennsylvania. Therefore, Chubb is now, and was at the time this action was commenced, a citizen of New Jersey, New York, and Pennsylvania.

4. Plaintiff's Original Petition states that Plaintiff "seeks monetary relief over \$200,000, but not more than \$1,000,000," including interests and costs. [Pl.'s Pet. ¶ 4.] Although Chubb disputes liability and damages, it is evident from Plaintiff's Original Petition that Plaintiff asserts claims for monetary relief that, if granted, would exceed \$75,000. All requirements are met for removal under 28 U.S.C. §§ 1332 and 1441(b).

5. Venue is proper in this Court under 28 U.S.C. § 1441(a) because this district and division encompass Harris County, Texas, the place where the removed action has been pending.

6. Pursuant to 28 U.S.C. § 1446(d), a copy of this notice of removal will be filed with the Clerk of the 133rd Judicial District of Harris County, Texas and served on all parties.

7. All pleadings, process, orders, and other filings in the state court action are attached to this notice as required by 28 U.S.C. § 1446(a). Those filings consist of the following, as required by Local Rule 81:

Exhibit 1: Plaintiff's Original Petition;
Exhibit 2: All executed process in the case;
Exhibit 3: The docket sheet (no orders have been signed in the state court action);
Exhibit 4: An index of matters being filed; and
Exhibit 5: List of all counsel of record and parties represented.

III.
JURY DEMAND

8. Pursuant to Federal Rule of Civil Procedure 38, Chubb demands a trial by jury.

PRAYER

Defendant Chubb Lloyds Insurance Company of Texas respectfully gives notice that this state court action has been removed and placed on this Court's docket for further proceedings. Defendant Chubb further requests any additional relief to which it is justly entitled.

Respectfully submitted,

s/ Joseph A. Ziemianski _____
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ATTORNEYS FOR DEFENDANT
CHUBB LLOYDS INSURANCE
COMPANY OF TEXAS

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document has been served upon all known counsel of record on August 19, 2019, via electronic mail and certified mail, return receipt requested.

s/ Joseph A. Ziemianski

Joseph A. Ziemianski